

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

Brian M. Smith
3409 Vista Street
Philadelphia, PA 19136

:
: Bankruptcy No 18-12284
: Chapter 13

Debtor

**ANSWER TO THE MOTION OF M&T BANK FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362 (a) AND 1301**

TO THE HONORABLE BANKRUPTCY JUDGE:

Respondent, Brian M. Smith, Debtor, by and through his Attorney Teresa Brady, Answers the Motion for Relief from the Automatic Stay under 11U.S.C. §362(a) pursuant to 11 U.S.C. §362 and, in support thereof, aver as follows:

1. Admitted.
2. Denied. Terence P. Smith is not the owner of 3409 Vista Street. Said property was transferred to Brian M. Smith by quit claim deed. Sheryl M. Smith is deceased. Her date of death is June 20, 2011.
3. Admitted
4. Admitted.
5. Admitted.
6. Denied. Terence P. Smith and Sheryl M. Smith (deceased) are not the owners of said property and therefore not responsible for mortgage payments. Only Brian M. Smith is legally responsible as he is the record owner of the property.
7. Denied. Debtor has not been given a detailed accounting of movant's \$850.00 attorney fees.
8. Denied. Movant has provided no payment history.
9. Denied. Debtor is current with trustee payments, see exhibit A.
10. Denied.
11. Denied.

WHEREFORE, Respondent prays that this motion be denied and the automatic stay remain in effect.

Respectfully submitted,

/S/TeresaBrady,Esquire
Teresa Brady, Esquire #57587
210 East Girard Avenue
Philadelphia, PA 19125
(215) 426-1020

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ORDER

AND NOW this _____ day of _____, 2019, upon consideration of the Answer to the Motion of M&T Bank for Relief from the Automatic Stay under Section 362 and notice and opportunity for the hearing thereon, it is hereby

ORDERED, that the Motion be, and the same is hereby **DENIED**, and the Automatic Stay of 11 U.S.C. §362 (a) remains in place.

BY THE COURT:

J.

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CERTIFICATE OF SERVICE

I, Teresa Brady, Esquire, hereby certify that I am the Attorney for the debtor and that on September 12, 2019 caused to be served a true and correct copy of the "Answer to the Motion of M&T Bank," to those listed below, by First Class US Mail and/or electronically.

Office of the Clerk
Office of the Clerk
US Bankruptcy Court
900 Market Street
Suite 400
Philadelphia, Pa 19107

William C. Miller, Esquire
Chapter 13 Trustee
P.O. Box 1229
Philadelphia, PA 19105

US Trustee's Office
833 Chestnut Street Suite 500
Philadelphia, PA 19107

Debtor

Kevin G. McDonald, Esquire
KML Law Group, P.C.
701 Market Street, Suite 5000
Philadelphia, PA 19106

/S/TeresaBrady,Esquire
Teresa Brady, Esquire #57587
210 East Girard Avenue
Philadelphia, PA 19125
(215) 426-1020

EXHIBIT A

OFFICIAL CHECK		HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK	
Citizens Bank		515721208-4	
		057-0012 0115 September 11 2019	
PAY		**** \$1,270.00 **** DOLLARS	
TO THE ORDER OF		* William C. Miller Trustee *	
MEMO:	CHAPTER 13, BRIAN M. SMITH 18-12284 June 2019 Through Oct 2019		
Drawer: Citizens Bank, N.A.		581 <i>Mr. Tolman</i>	
Security Features Details on Back.		AUTHORIZED SIGNATURE	
		MP	

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